IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7178 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AHMEDABAD HOMEOPATHY MEDICAL COLLEGE

Versus

SAURASHTRA UNIVERSITY

Appearance:

1. Special Civil Application No. 7178 of 2001

MR PRADEEP PATEL for Petitioner No. 1-2

MR AR THACKER for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1-3

NOTICE SERVED for Respondent No. 2

MR KG PANDIT for Respondent No. 3

MR PR ABICHANDANI AGP for Respondent No. 4-5

MR ASIM PANDYA for HL PATEL ADVOCATES for Respondent No. 6-7

MR PK JANI for Respondent No. 8

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 11/07/2002

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. In this petition, the petitioner-Ahmedabad Homeopathy Medical College have prayed to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction quashing and setting aside the resolutions passed by the Saurashtra University and the North Gujarat University by which they have resolved to grant affiliation to the colleges established by respondents No.6 and 7 herein by declaring that the said decisions have been taken in violation of the provisions of Section 34 and 33 of the Saurashtra University Act and the North Gujarat University Act respectively and the resolution passed by the Central Counsel of Homeopathy in the year 2001.

#. On 10.10.2001 learned Single Judge of this court while issuing rule making it returnable on 10.1.2002 granted interim relief, which remained in force till today.

#. The academic term was over and the original respondent No.6-Samarpan Charitable Education once again made a fresh application for 2002-2003 before the competent authority for considering the same. But the authority was not in a position to consider the same in view of the interim order passed by this court in this petition, therefore, the present respondent No.6 had filed Civil Application No.3764/02 and the same was disposed of as not pressed in view of the order passed by this court on 17.6.2002, main petition was fixed for final hearing on 20.6.2002. However, due to one or the other reason, the matter could not be heard and finally disposed of till today.

#. Having regard to the peculiar facts and circumstances of the case, all learned counsel for the parties agreed that without going into the legality and validity of the orders, which are under challenge, this petition be disposed of without expressing any opinion on it and the decision taken by the authority on application submitted by respondent No.6 may not be implemented for a period of fortnight to enable the petitioner to challenge the same by way of appropriate proceedings before the appropriate forum.

#. In view of the above, this petition is disposed of without expressing any opinion on it and the respondent

authority is directed to take decision in the matter strictly in accordance with law as early as possible preferably on or before 25.7.2002. The said decision be also conveyed to the present petitioners immediately. The said decision shall not be implemented for a period of fortnight from the date of receipt of of the decision by the present petitioner. Accordingly, this petition is disposed of. Rule discharged. Interim relief granted earlier stands vacated subject to the aforesaid directions.

(B.J.Shethna, J.)

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